

**United States Bankruptcy Court  
Central District of California  
Riverside  
Mark Houle, Presiding  
Courtroom 301 Calendar**

**Wednesday, June 1, 2022**

**Hearing Room 301**

10:00 AM

**6:22-11261 Gabriel D Colangelo and Natalie Rose Colangelo**

**Chapter 7**

**#1.00** Reaffirmation Agreement Between Debtor and SchoolsFirst Federal Credit Union

EH\_\_

Docket 17

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Gabriel D Colangelo

Represented By  
Arturo A Burga

**Joint Debtor(s):**

Natalie Rose Colangelo

Represented By  
Arturo A Burga

**Trustee(s):**

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Wednesday, June 1, 2022**

**Hearing Room 301**

11:00 AM

**6:16-15813 John E. Tackett and Ellen O. Tackett**

**Chapter 7**

**#2.00** Motion Chapter 7 Trustee's Motion for Order Authorizing Interim Distributions; Memorandum of Points and Authorities; Declaration of Larry D. Simons in Support Thereof

EH\_\_

**[Tele. appr. Robert Goe, rep. chapter 7 trustee]**

Docket 122

**Tentative Ruling:**

**BACKGROUND**

On May 11, 2022, Larry D. Simons ("Trustee"), the chapter 7 trustee filed a motion ("Motion") to for order authorizing interim distributions to pay filed unsecured creditors in full. Specifically, the Trustee requests payment the claim numbers 1-1, 2-2, 3-2, and 4-2, totaling \$36,594.37. [Dkt. No. 122, pgs. 6-7].

The following is a list of claims that will be paid from the bankruptcy estate: (1) Discover Bank has a claim for \$15,371.72 ("Claim No. 1-1"); (2) PYOD, LLC has a claim for \$3,178.91 ("Claim No. 2-2"); (3) PYOD, LLC has a claim for \$9,063.96 ("Claim No. 3-2"); and (4) PYOD, LLC has a claim for \$8,979.78 ("Claim No. 4-2"). [Dkt. No. 122, pgs. 4-5].

The Motion is unopposed.

**DISCUSSION**

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**CONT... John E. Tackett and Ellen O. Tackett**

**Chapter 7**

This Court has authority under §§105(a), §726(a), and FED. R. BANKR. P. Rule 3009 to make interim distributions as requested.

In support of the Motion, the Trustee asserts that there are sufficient funds on hand to pay all non-administrative creditors 100% on account of their allowed claims, and the claim numbers 5-1, 6-1, and 7-1 are withdrawn. [Simons Decl., and Exs. 1, 2, and 3].

The Court finds that the Trustee has provided sufficient evidence that the estate will distribute the funds to pay unsecured creditors in full. Trustee does not request to pay administrative creditors, namely the Trustee and Trustee's counsel at this time. Additionally, \$166,030.63 will remain in the estate to account for any unforeseen expenses that might arise prior to the closing of this case, including the administrative fees.

**TENTATIVE RULING**

For the foregoing reasons, the Court is inclined to GRANT the Motion.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

<b>Party Information</b>
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**Debtor(s):**

John E. Tackett

Represented By  
Stefan R Pancer

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**CONT... John E. Tackett and Ellen O. Tackett**

**Chapter 7**

**Joint Debtor(s):**

Ellen O. Tackett

Represented By  
Stefan R Pancer

**Trustee(s):**

Larry D Simons (TR)

Represented By  
Brandon J Iskander

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**6:16-19947 Melissa Lynn Dixon**

**Chapter 7**

**#3.00** CONT. Status Conference Re: Contempt of Court Paul Kaur Singh

From: 8/11/21, 12/8/21, 5/18/22

EH\_\_

Docket 49

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Melissa Lynn Dixon

Represented By  
Bryant C MacDonald

**Trustee(s):**

Arturo Cisneros (TR)

Pro Se

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11:00 AM

**6:18-14714 Gilbert L Belfatto and Carole L Morgan**

**Chapter 7**

**#4.00 Notice of Trustee's Final Report and Applications for Compensation**

EH\_\_

**[Tele. appr. Lynda Bui, chapter 7 trustee]**

Docket 61

**Tentative Ruling:**

No opposition has been filed.  
Service was proper.

The applications for compensation of the Trustee and Accountant for the Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report, the Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 10,605.89  
Trustee Expenses: \$ 1,153.58

Accountant Fees: \$ 1,620  
Accountant Expenses: \$ 355.10

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

<b>Party Information</b>
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**Debtor(s):**

Gilbert L Belfatto

Represented By  
Christopher Hewitt

**Joint Debtor(s):**

Carole L Morgan

Represented By  
Christopher Hewitt

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**CONT... Gilbert L Belfatto and Carole L Morgan**

**Chapter 7**

**Trustee(s):**

Lynda T. Bui (TR)

Pro Se

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**6:19-19431 Mike's Muscle**

**Chapter 7**

**#5.00 Notice of Trustee's Final Report and Applications for Compensation**

EH\_\_

**[Tele. appr. Larry Simons, chapter 7 trustee]**

Docket 41

**Tentative Ruling:**

No opposition has been filed.  
Service was proper.

The applications for compensation of the Trustee and Accountant for the Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report, the Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 2,164.71  
Trustee Expenses: \$ 67.62

Accountant Fees: \$ 5,842.74 (reduced per Application)  
Accountant Expenses: \$ 157.26

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

<b>Party Information</b>
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**Debtor(s):**

Mike's Muscle

Represented By  
Levi Reuben Uku

**Trustee(s):**

Larry D Simons (TR)

Pro Se



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**6:20-14627 Aurelio Felix Barreto, III**

**Chapter 7**

**#6.00 Notice of Trustee's Final Report and Applications for Compensation**

EH\_\_

**[Tele. appr. Michelle Marchisotto, rep. chapter 7 trustee]**

Docket 48

**Tentative Ruling:**

No opposition has been filed.  
Service was proper.

The applications for compensation of the Trustee, Counsel for the Trustee, and Accountant for the Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report, the Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 12,250  
Trustee Expenses: \$ 107.61

Attorney Fees: \$ 28,555  
Attorney Expenses: \$ 222.74

Accountant Fees: \$ 1,755  
Accountant Expenses: \$ 265.50

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

<b>Party Information</b>
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**Debtor(s):**

Aurelio Felix Barreto III

Represented By  
John P O'Connell

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**CONT... Aurelio Felix Barreto, III**

**Chapter 7**

**Trustee(s):**

Robert Whitmore (TR)

Represented By  
Michelle A Marchisotto

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**6:21-10098    Oralia Blanco**

**Chapter 7**

**#7.00    Notice of Trustee's Final Report and Applications for Compensation**

EH\_\_

Docket      38

**Tentative Ruling:**

No opposition has been filed.  
Service was proper.

The application for compensation of the Trustee has been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report, the Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 1,500  
Trustee Expenses: \$ 137.05

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

<b>Party Information</b>
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**Debtor(s):**

Oralia Blanco

Represented By  
Andy Nguyen

**Trustee(s):**

Robert Whitmore (TR)

Pro Se

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**6:16-20298 Donald Sutcliffe**

**Chapter 7**

**#7.10 CONT. Notice of Trustee's Final Report and Applications for Compensation**

From: 1/12/21, 1/26/22, 3/30/22, 5/18/22, 5/25/22

EH\_\_

**[Tele. appr. Edward Hays, rep. chapter 7 trustee**

Docket 204

**Tentative Ruling:**

**1/12/2021**

**Service: Proper**

**Opposition: None**

The application for compensation of the Trustee has been set for hearing on the notice required by LBR 2016-1. The Court requires clarification of the following:

- 1) Paragraph 9 of the sale order entered on May 19, 2020 as docket number 99 requires the Trustee to hold proceeds pending resolution of, among other things, "Debtor's claimed homestead exemption." The Court is not aware of any resolution of this issue and it is not clear that Debtor's exemption is not valid under § 522(g)-(i).
- 2) The amount used for the calculation of the Trustee's commission is less than clear. The final page of the Trustee's declaration identifies compensable disbursements of \$950,000. Page 13 of the Trustee's final report, however, identifies "[t]otal compensable receipts" of \$604,777.92 and "total compensable disbursements" of \$794,628.42

**APPEARANCES REQUIRED.**

<b>Party Information</b>
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**Debtor(s):**

Donald Sutcliffe

Pro Se

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**CONT... Donald Sutcliffe**

**Chapter 7**

**Trustee(s):**

John P Pringle (TR)

Represented By  
D Edward Hays  
David Wood  
Tinho Mang

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**Hearing Room 301**

2:00 PM

**6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat**

**Chapter 7**

Adv#: 6:15-01308 Revere Financial Corporation v. BWI CONSULTING, LLC et al

**#8.00** CONT Status Conference RE: [1] Adversary case 6:15-ap-01308. Complaint by A. Cisneros against BWI CONSULTING, LLC, Black and White, Inc., BLACK AND WHITE BILLING COMPANY, BLACK AND WHITE INK, MEHRAN DEVELOPMENT CORPORATION. (Charge To Estate \$350). for Avoidance, Recovery, and Preservation of Preferential and Fraudulent Transfers (with Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)), (14 (Recovery of money/property - other))

From: 1/13/16, 3/23/16, 5/25/16, 7/27/16, 8/31/16, 11/2/16, 2/1/17, 5/3/17, 4/28/21 9/13/17, 12/13/17, 2/14/18, 5/16/18, 6/11/18, 8/22/18, 11/28/18, 2/27/19, 5/29/19, 8/28/19, 11/20/19, 1/29/20, 5/27/20, 7/29/20, 9/30/20, 11/25/20, 12/2/20, 2/17/21, 4/28/21, 6/30/21, 9/29/21, 2/16/22, 3/30/22

EH\_\_

**[Tele. appr. Franklin R. Fraley Jr., rep. Plaintiff]**

Docket 1

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Douglas J Roger, MD, Inc., A

Represented By  
Summer M Shaw  
Michael S Kogan  
George Hanover

**Defendant(s):**

BWI CONSULTING, LLC

Pro Se

Black and White, Inc.

Pro Se

BLACK AND WHITE BILLING

Pro Se

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**CONT... Douglas J Roger, MD, Inc., A Professional Corporat**

**Chapter 7**

BLACK AND WHITE INK

Pro Se

MEHRAN DEVELOPMENT

Pro Se

**Plaintiff(s):**

Revere Financial Corporation

Represented By  
Franklin R Fraley Jr

**Trustee(s):**

Arturo Cisneros (TR)

Represented By  
Chad V Haes  
D Edward Hays  
Franklin R Fraley Jr

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**6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat**

**Chapter 7**

Adv#: 6:15-01307 Revere Financial Corporation v. OIC MEDICAL CORPORATION, a

**#9.00** CONT Status Conference RE: [1] Adversary case 6:15-ap-01307. Complaint by A. Cisneros against OIC MEDICAL CORPORATION, a California corporation, LIBERTY ORTHOPEDIC CORPORATION, a California corporation, UNIVERSAL ORTHOPAEDIC GROUP, a California corporation. (Charge To Estate \$350). for Avoidance, Recovery, and Preservation of Preferential and Fraudulent Transfers (with Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)), (13 (Recovery of money/property - 548 fraudulent transfer)), (14 (Recovery of money/property - other))

From: 12/30/15, 2/24/16, 4/13/16, 6/22/16, 8/24/16, 11/2/16, 2/1/17, 3/8/17, 7/12/17, 9/13/17, 11/15/17, 2/14/18, 5/16/18, 7/25/18, 8/22/18, 10/31/18, 11/14/18, 12/12/18, 12/19/18, 3/27/19, 6/12/19, 7/31/19, Advanced 3/4/20, 11/20/19, 1/29/20, 5/27/20, 7/29/20, 9/28/20, 11/25/20, 12/2/20, 2/17/21, 4/28/21, 6/30/21, 9/29/21, 12/15/21, 2/16/22, 3/30/22

EH\_\_

**[Tele. appr. Franklin R. Fraley Jr., rep. Plaintiff]**

**[Tele. appr. Misty Perry Isaacson, rep. Defendants]**

Docket 1

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Douglas J Roger, MD, Inc., A

Represented By  
Summer M Shaw  
Michael S Kogan  
George Hanover



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**CONT... Douglas J Roger, MD, Inc., A Professional Corporat**

**Chapter 7**

**Defendant(s):**

OIC MEDICAL CORPORATION, a

Represented By  
Misty A Perry Isaacson

LIBERTY ORTHOPEDIC

Represented By  
Misty Perry Isaacson  
Misty A Perry Isaacson

UNIVERSAL ORTHOPAEDIC

Represented By  
Misty Perry Isaacson  
Misty A Perry Isaacson

**Plaintiff(s):**

Revere Financial Corporation

Represented By  
Franklin R Fraley Jr

**Trustee(s):**

Arturo Cisneros (TR)

Represented By  
Chad V Haes  
D Edward Hays  
Franklin R Fraley Jr

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**6:13-27611 Douglas Jay Roger**

**Chapter 7**

Adv#: 6:14-01248 Revere Financial Corporation, a California corpora v. Roger, MD

**#10.00** CONT Status Conference RE: Amended Complaint (First) by Revere Financial Corporation and Jerry Wang, as State-Court Appointed Receiver by Franklin R Fraley Jr on behalf of Revere Financial Corporation, a California corporation against Revere Financial Corporation, a California corporation. (Attachments: # 1 Exhibit 1-8)

From: 4/25/18, 6/13/18, 8/22/18, 10/31/18, 7/31/19, 9/11/19, 11/20/19, 1/29/20, 5/27/20, 7/29/20, 9/30/20, 11/25/20, 12/2/20, 2/17/21, 4/28/21, 9/29/21, 12/15/21, 2/16/22, 3/30/22

EH\_\_

**[Tele. appr. Marc Forsythe, rep. Defendant]**

**[Tele. appr. Franklin R. Fraley Jr., rep. Plaintiff]**

Docket 82

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Douglas Jay Roger

Represented By  
Summer M Shaw  
Marc C Forsythe

**Defendant(s):**

Douglas J Roger MD

Represented By  
Summer M Shaw  
Thomas J Eastmond  
Marc C Forsythe

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**CONT... Douglas Jay Roger**

**Chapter 7**

**Plaintiff(s):**

Revere Financial Corporation, a

Represented By  
Franklin R Fraley Jr

Jerry Wang

Represented By  
Franklin R Fraley Jr  
Anthony J Napolitano

**Trustee(s):**

Helen R. Frazer (TR)

Represented By  
Arjun Sivakumar  
Carmela Pagay  
Franklin R Fraley Jr  
Cathrine M Castaldi

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**6:13-27611 Douglas Jay Roger**

**Chapter 7**

**#11.00 CONT Objection to Claim #17 by Revere Financial Corporation  
(Holding date)**

From: 10/1/14, 11/5/14, 12/3/14, 12/15/14, 1/28/15, 4/15/15, 7/22/15, 9/23/15,  
10/21/15, 11/18/15, 12/16/15, 1/13/16, 3/2/16, 5/4/16, 6/1/16, 9/28/16, 11/16/16,  
2/1/17, 2/16/17, 5/3/17, 6/14/17, 6/28/17, 9/20/17, 3/21/18, 6/27/18, 12/19/18,  
3/27/19, 5/8/19, 6/12/19, 7/31/19, 1/29/20, 5/27/20, 7/29/20, 9/30/20,  
11/25/20, 12/2/20, 2/17/21, 6/30/21, 9/29/21, 12/15/21, 2/16/22, 3/30/22

EH\_\_\_\_

**[Tele. appr. Franklin R. Fraley Jr., rep. Plaintiff]**

Docket 333

**Tentative Ruling:**

<b>Party Information</b>
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**Debtor(s):**

Douglas Jay Roger

Represented By  
Summer M Shaw  
Marc C Forsythe

**Trustee(s):**

Helen R. Frazer (TR)

Represented By  
Arjun Sivakumar  
Carmela Pagay  
Franklin R Fraley Jr  
Cathrine M Castaldi

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**6:14-22067 Gary S. Hann**

**Chapter 7**

Adv#: 6:21-01018 Hann v. Sakaya et al

**#12.00** CONT. Hrg. on Plaintiff's Motion For Summary Judgment under LBR 7056-, against Defendant Francis P. Sakaya, Jacqueline Mbville, and Babalao Investors, LLC

**[Holding Date]**

From: 6/15/21, 1/18/22, 4/6/22, 5/4/22

EH\_\_

[Case transferred from Judge Mark Wallace on 2/24/22]

**[Tele. appr. Sanaz Bereliani, rep. Defendant]**

Docket 19

**Tentative Ruling:**

5/4/2022

**BACKGROUND**

On September 27, 2014, Gary Hann ("Plaintiff") filed a Chapter 7 voluntary petition. On January 12, 2015, Debtor received his discharge. On September 21, 2015, the bankruptcy case was closed.

On February 5, 2021, Gary Hann filed a complaint against: (1) Francis Sakaya, Jacqueline Mbville and Babalao Investors LLC (collectively, the "Sakaya Defendants"); and (2) Collis, Griffor & Hendra PC and Stuart Collis (collectively, the "Collis Defendants") (collectively, with the Sakaya Defendants, the "Defendants"). On March 10, 2021, the Collis Defendants filed a motion to dismiss for failure to state a

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**CONT... Gary S. Hann**

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claim. Without actually seeking entry of default, Plaintiff filed a motion for default judgment on March 19, 2021. On April 6, 2021, the Sakaya Defendants filed a joinder to the motion to dismiss filed by the Collis Defendants. On April 14, 2021, the Collis Defendants were dismissed from the case upon stipulation with Plaintiff. On May 4, 2021, Plaintiff filed a motion for summary judgment against the Sakaya Defendants. On May 24, 2021, counsel for the Sakaya Defendants, Todd Turoci, withdrew from the case, although Court authorization for the withdrawal was not sought.

Since May 2021, the three pending motions have been continued several times and mediation sessions were scheduled in this adversary, as well as other adversaries also arising out of the main bankruptcy case. The Sakaya Defendants have not filed anything with the Court since their counsel withdrew from the case.

**DISCUSSION**

**I. WITHDRAWAL OF TODD TUROCI AS COUNSEL TO SAKAYA DEFENDANTS**

Local Rule 2091-1(a) requires that an attorney's request for withdrawal requires a motion when that withdrawal leaves the client in *pro se*. Here, Todd Turoci's withdrawal from representing the Sakaya Defendants, not having been approved by the Court, does not comply with the Local Rules. Furthermore, the Court notes that under Local Rule 9011-2(a), business entities, including limited liability companies, may not appear in a proceeding in *pro se*, and that Local Rule 2091-1(d) requires that an attorney seeking to withdraw, without substitution, from representation of a business entity must explain this consequence to the entity. Local Rule 2091-1(d) does not appear to have been complied with in the instant case.

**II. Plaintiff's Motion for Default Judgment**

Local Rule 7055-1(b)(1)(A) provides that a motion for default judgment must state the identity of the party against whom default was entered and the date of entry of default. Here, Plaintiff's motion was not able to specify against whom and when default was entered because Plaintiff did not seek entry of default against any party. The Court does note that the form motion used by Plaintiff is rather misleading because it

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**Gary S. Hann**

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contains a box allowing the movant to request entry of default when filing the motion for default judgment. The purpose of this option is less than clear given that the Court also has a mandatory form (F 7055-1.1.REQ.ENTER.DEFAULT) for seeking entry of default, which implies that a plaintiff cannot simply check the box in the motion for default judgment to effect a request for the entry of default.

"Entry of default, which precludes a party from contesting liability, is a prerequisite to, but independent of, entry of default judgment, which decides all aspects of litigation. The entry of default normally is a ministerial task for the Clerk of the Court." *Consultica Software Servs., Inc. v. Lootsie, Inc.*, 2018 WL 6039862 at \*1 (C.D. Cal. 2018) (citations omitted and quotations omitted, paragraph break removed). In accordance with the foregoing, if Plaintiff seeks to have this Court render a final judgment on the motion for default judgment, the Court will require that Plaintiff seek entry of default using the Court's mandatory process. In the interim, the motion for default judgment is to be denied as premature.

*III. Sakaya Defendants' Joinder to Motion to Dismiss*

While the Collis Defendants have been dismissed from this action, the Sakaya Defendants, who filed a joinder to the motion to dismiss filed by the Collis Defendants, are still defendants. This leaves the procedural status of the pending motion to dismiss murky. The Court does not consider the joinder as a separate request for relief because requests for relief must be made by motion and the joinder does not satisfy the basic requirements of a motion. *See* FED. R. BANKR. P. Rule 9013 ("A request for an order, except when an application is authorized by these rules, shall be by written motion, unless made during a hearing. The motion shall state with particularity the grounds therefor, and shall set forth the relief or order sought."); Local Rule 9013-1 (outlining requirements for motions); *see also Conway v. Biloxi Public School Dist.*, 2020 WL 7409067 at \*1 ("The Court finds that the School District should make any request for 12(b)(6) dismissal in a separate Motion pursuant to Local Rule 7(b) rather than incorporated in its Answer or a Joinder to another party's Motion."); *Jolly v. Hoegh Autoliners Shipping AS*, 2020 WL 6505037 (M.D. Fla. 2020) (striking joinders to motion to dismiss as not properly raising a request for relief); *see generally Tatum Co., Ltd. V. Shu Tze Hsu*, 217 F. Supp. 3d 1138, 1151 (C.D. Cal. 2016) ("When reviewing whether to allow a party to join in a motion, the court will allow the joinder when either (1) the parties are so similarly situated that

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**CONT... Gary S. Hann**

**Chapter 7**

filing an independent motion would be redundant, or (2) the party seeking joinder specifically points out: which parts of the motion apply to the joining party, the joining party's basis for standing, and the factual similarities between the joining party and moving party that give rise to a similar claim or defense.").

Assuming, *arguendo*, that the motion to dismiss filed by the Collis Defendants survived the dismissal of those defendants, a quick review of the motion indicates that it must be denied. The Collis Defendants raised four arguments in the motion to dismiss. The second and third arguments are raised as to "claims against the Collis & Griffor Defendants." [Dkt. No. 4, pg. 13, lines 16-17 and pg. 12, lines 24-26]. As such, these arguments do not apply to the Sakaya Defendants and, after the dismissal of the Collis Defendants, are moot. The first argument, that Plaintiff's claims are barred by the Rooker-Feldman doctrine, must also fail because that argument rests upon unsupported factual assertions. Specifically, the argument relates to the details and outcome of state court proceedings in Michigan, yet the motion contains no evidence whatsoever in support of the requests. Finally, the fourth argument, that the proper plaintiff is a Roth IRA, is incorrect as a matter of law. *See In re Lakeview Dev. Corp.*, 614 B.R. 603, 610 (Bankr. D. Col. 2020) (IRA is not a separate legal entity and "the individual owner is the real party in interest") (collecting cases). On this basis, the Court is inclined to DENY the motion to dismiss.

*IV. Plaintiff's Motion for Summary Judgment*

As a preliminary matter, the Court notes that proof of service of Plaintiff's summary judgment was signed by Plaintiff himself, in violation of the instructions on the proof of service. The Court does note, however, that there is nothing in the Local Rules or Federal Rules that prohibits a party from signing their own proof of service. *See, e.g., Oliver v. Minor*, 39 F.3d 1188 (9th Cir. 1994) ("Rule 5 of the Federal Rules of Civil Procedure does not prohibit parties to the action from serving and signing their own proofs of service.").

Importantly, however, Plaintiff has repeatedly asserted in this action that he does not consent to entry of a final judgment, including in the complaint itself and in the most recent status report. Therefore, the Court will require Plaintiff to brief the issue of whether the Court has jurisdiction to enter a final judgment or to explicitly consent to a final judgment being entered, prior to issuance a final order.



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**TENTATIVE RULING**

For the foregoing reasons, the Court is inclined to DENY the motion to dismiss and the motion for default judgment, and CONTINUE the hearing on the motion for summary judgment for Plaintiff to: (1) brief the issue of the Court's jurisdiction; or (2) consent to the entry of a final judgment; and (3) seek entry of default, if desired.

APPEARANCES REQUIRED.

<b>Party Information</b>
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**Debtor(s):**

Gary S. Hann	Pro Se
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**Defendant(s):**

Francis P Sakaya	Pro Se
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Jacqueline Mbville	Pro Se
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Babalao Investors LLC	Pro Se
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**Movant(s):**

Gary S Hann	Pro Se
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**Plaintiff(s):**

Gary S Hann	Pro Se
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**Trustee(s):**

Karl T Anderson (TR)	Represented By Leonard M Shulman Melissa Davis Lowe
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**6:14-22067 Gary S. Hann**

**Chapter 7**

Adv#: 6:21-01018 Hann v. Sakaya et al

**#13.00** CONT. STATUS CONFERENCE re: Complaint by Gary S Hann against Francis P Sakaya , Jacqueline Mbville , Babalao Investors LLC, Collis Griffor & Hendra PC , Stuart M Collis. (\$350.00 Fee Not Required). (Attachments: #(1) Part 2 of 4 #(2) Part 3 of 4 #(3) Part 4 of 4) Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)) ,(21 (Validity, priority or extent of lien or other interest in property)) ,(72 (Injunctive relief - other)) ,(91 (Declaratory judgment))

[Holding Date]

From: 4/20/21,6/8/21,1/18/22, 4/6/22, 5/4/22

EH\_\_

**[Tele. appr. Sanaz Bereliani, rep. Defendant]**

Docket 1

**Tentative Ruling:**

**APPEARANCES REQUIRED.**

The Court will inquire into the Parties' progress in arranging for mediation.

<b>Party Information</b>
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**Debtor(s):**

Gary S. Hann

Pro Se

**Defendant(s):**

Francis P Sakaya

Pro Se

Jacqueline Mbville

Pro Se

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**CONT...**      **Gary S. Hann**  
Babalao Investors LLC

Pro Se

**Chapter 7**

**Plaintiff(s):**

Gary S Hann

Pro Se

**Trustee(s):**

Karl T Anderson (TR)

Represented By  
Leonard M Shulman  
Melissa Davis Lowe

**United States Bankruptcy Court  
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**6:21-13994 Victoria Marie Coopman**

**Chapter 7**

Adv#: 6:21-01118 CAPFLOW FUNDING GROUP MANAGERS LLC v. Coopman

**#14.00** CONT. Status Conference re: Adversary case 6:21-ap-01118. Complaint by CAPEFLOW FUNDING GROUP MANAGERS LLC, Victoria Marie Coopman against Victoria Marie Coopman. willful and malicious injury)),(62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)),(41 (Objection / revocation of discharge - 727(c),(d),(e)))

From: 12/15/21

EH\_\_

Docket 1

**\*\*\* VACATED \*\*\* REASON: CONTINUED TO 11/9/22 BY ORDER  
ENTERED 5/25/22**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Victoria Marie Coopman

Represented By  
W. Derek May

**Defendant(s):**

Victoria Marie Coopman

Represented By  
W. Derek May

**Plaintiff(s):**

CAPFLOW FUNDING GROUP

Represented By  
Marshall F Goldberg  
W. Derek May

**Trustee(s):**

Larry D Simons (TR)

Pro Se

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Central District of California  
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**6:21-15651 Patty Lee Corday**

**Chapter 7**

Adv#: 6:22-01021 United States Trustee for the Central District of v. Corday

**#15.00** Status Conference re Adversary case 6:22-ap-01021. Complaint by United States Trustee for the Central District of California, Region 16 against Patty Lee Corday. (\$350.00 Fee Not Required). with adversary cover sheet Nature of Suit: (41 (Objection / revocation of discharge - 727(c),(d),(e)) (Complaint filed 3/28/22)

EH\_\_

Docket 1

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Patty Lee Corday

Represented By  
Neil R Hedtke

**Defendant(s):**

Patty Lee Corday

Pro Se

**Plaintiff(s):**

United States Trustee for the Central

Represented By  
Everett L Green

**Trustee(s):**

Todd A. Frealy (TR)

Pro Se

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Central District of California  
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**6:21-16325 Yidan Zhang**

**Chapter 7**

Adv#: 6:22-01020 Chu et al v. Zhang et al

**#16.00** Status Conference re Adversary case 6:22-ap-01020. Complaint by Anthony Chu, Jiang Qi against Yidan Zhang, Ketian Yue, Qing Zhang. (68 (Dischargeability - 523(a)(6), willful and malicious injury)), (21 (Validity, priority or extent of lien or other interest in property)) (Complaint filed 3/25/22)

**[Dismissed as to the First through Third Causes of Action on 5/26/22]**

EH\_\_

**[Tele. appr. David Lally, rep. Defendants]**

**[Tele. Onyinye Anyama, rep. Plaintiffs]**

Docket 1

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Yidan Zhang

Represented By  
Heather J Canning  
Michael E Clark

**Defendant(s):**

Yidan Zhang

Represented By  
David B Lally

Ketian Yue

Represented By  
David B Lally

Qing Zhang

Represented By  
Matthew D. Resnik

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Riverside  
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**CONT... Yidan Zhang**

**Chapter 7**

**Plaintiff(s):**

Anthony Chu

Represented By  
Onyinye N Anyama

Jiang Qi

Represented By  
Onyinye N Anyama

**Trustee(s):**

Arturo Cisneros (TR)

Represented By  
Melissa Davis Lowe